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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,981	08/10/1999	YUICHIRO OGAWA	104018	8747
25944	7590	04/21/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			FISCHER, JUSTIN R	
			ART UNIT	PAPER NUMBER
			1733	
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/370,981

Applicant(s)

OGAWA, YUICHIRO

Examiner

Justin R Fischer

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 22 March 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____


Claim(s) objected to: 4.Claim(s) rejected: 1,2 and 9.Claim(s) withdrawn from consideration: 6-8.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5: Regarding the restriction, the examiner's position in the Final Rejection (Paragraph 1) is maintained. In particular, as set forth in MPEP 808.01(a), since the claims are directed to independent inventions, restriction is proper pursuant to 35 USC 121 and it is not necessary to show a separate status in the art or a separate classification. In any event, the species in which the roundtrip return portion extends from the inside towards the outside is classified in 152, 552, while the species in which the roundtrip return portion extends from the outside to the inside is classified in 152/553.

As to applicant's arguments, while Ueyoko describes the bead/carcass as being "substantially continuous", the claim as currently drafted fails to exclude such an assembly. Also, Ueyoko expressly states that the bead and the carcass can be formed of different materials (analogous to claimed invention). Furthermore, applicant contends that the advantage of increased bead durability and reduction of tire weight is not taught or suggested by Shibata (JP '238). However, as set forth in the Final Rejection, Ueyoko specifically teaches that the use of a carcass formed of a continuous cord, instead of a common carcass ply as is used in Shibata, provides the aforementioned benefits. As such, one of ordinary skill in the art at the time of the invention would have been motivated to form the carcass of Shibata as a continuous cord instead of a common carcass ply having a plurality of reinforcing elements, there being a reasonable expectation of success in modifying Shibata with the carcass described by Ueyoko. Lastly, applicant contends that in modifying Shibata, the upper bead cord and the carcass cord would have to be separated so that they are no longer continuous. **This argument is not commensurate in scope with the claimed invention since, as noted above, the claims as currently drafted fail to exclude a continuous assembly.**

Justin Fischer
April 19, 2004


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